

Senator Patton moved to postpone the bill and make it the special order for Monday morning next, and from day to day thereafter till disposed of.

On motion of Senator Houston, the Senate adjourned until Monday morning at 10 o'clock.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 29, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Pfeuffer, the Sergeant-at-Arms was excused to-day and to-morrow, on account of sickness.

On motion of Senator Martin, Senator Farrar was excused for the day, on account of important business.

Senator Traylor presented a petition of citizens of Thorp's Springs, asking for the submission of a constitutional amendment prohibiting the sale of intoxicating liquors in the State. Referred to Committee on Constitutional Amendments.

Senator Buchanan presented a petition of citizens of Troupe, Texas, asking the Legislature of the State to submit an amendment to the Constitution, prohibiting the importation, manufacture and sale of intoxicating liquors or medicated bitters into the State, except for medical or sacramental purposes. Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 160, entitled "An act to enable commissioners' courts to declare the streets and alleys, highways and public grounds of unincorporated towns and villages to be public roads, and to abate nuisances in such towns and villages," have carefully examined the same, and instruct me to report it back with the recommendation that it do pass with the following amendments:

Strike out all of section 3, and conform the title to the change so made by striking out the words "and to authorize such courts to abate nuisances in such towns and villages."

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 142, entitled "An act to amend title 38, chapter 2, of the Revised Statutes of Texas, by adding thereto article 2232a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The object of the bill is to authorize one who has filed cross interrogatories to a witness, which have not been answered satisfactorily, to file additional cross interrogatories, and have them answered.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 134, entitled "An act to authorize Christian Jordan to sue the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment: In line five, section one (1), strike out the word "Galveston" and insert the word "Travis," so as to confer jurisdiction on Travis county.

TERRELL, Chairman.

Bill read first time with amendment.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 150, entitled "An act to amend article 1173, of chapter 4, title 28, of the Revised Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, for the reason that in the judgment of your committee it will result in increased economy in the administration of the law in county courts, without impairing their efficiency.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 148, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Atascosa, Live Oak and San Patricio counties, etc.," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 171, entitled "An act to amend article 1780, title 36, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," have carefully examined the same, and instruct me to report the same back with the recommendation that do pass. Its object is to more carefully protect the interest of the State in making sale of escheated property.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 133, entitled "An act to amend article 2946 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do lie on the table, for the reason that another bill covering the same ground has been reported from another committee.

TERRELL, Chairman.

Bill read first time.

Senator Davis, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 14, entitled "An act to provide for the payment of certain debts of the State out of that half of the proceeds of sales of public lands not belonging to the common school fund," have had the same under consideration, and the majority of the committee instruct me to report back the accompanying substitute for said bill, and recommend that such substitute do pass.

DAVIS, Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

The special committee to whom was referred Senate bill No. 41, entitled "An act for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, for services rendered in examining courts in felony cases," have had the same under consideration, and the majority of the committee instruct me to report back the accompanying substitute for said bill, and recommend that such substitute do pass.

DAVIS, Chairman.

Bill read first time with substitute.

Senator Stratton, chairman of Committee on Public Health, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Health, to whom was referred Senate joint resolution No. 20, have had the same under consideration, and instruct me to report it back, with the recommendation that it do pass.

STRATTON, Chairman.

Bill read first time.

Senator Martin, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 2, being "An act to amend article 3201, chapter 1, title 63, of the Revised Statutes."

Also, Senate bill No. 40, being "An act to amend article 180 of the Penal Code," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Peacock, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 14, entitled "An act to amend article 1265, of chapter 8, title 29, of the Revised Civil Statutes, relating to verified pleadings in civil cases," have carefully examined the same, and instruct me to report the same back with the recommendation that it lay upon the table, the object of the bill being covered by Senate bill No. 105, heretofore reported favorably by this committee.

PEACOCK, for Committee.

Bill read first time.

Senator Stratton offered the following resolution:

Be it resolved by the Senate of the State of Texas, That the President be, and is hereby, authorized and empowered to appoint a clerk, whose duty it shall be to fold and direct all papers, etc., that may be entrusted to him by members of this Senate, and, in addition thereto, perform such committee or other clerical work as he may be called upon to do.

Senator Traylor offered the following substitute:

Resolved, That it is the sense of the Senate that in addition to the clerks elected in the organization of the Senate, that four clerks for committee work are all that are necessary, and only four shall receive compensation from this date.

Senator Gooch moved to refer the resolution and substitute to the Committee on Retrenchment and Reform. Adopted.

A message was received from the House, announcing the passage by that body of House bill No. 13, concerning public lands heretofore surveyed by railroads or corporations. Also,

Substitute to House bill No. 8, to restore the jurisdiction of the county courts of Parker, Uvalde, and Red River, and to repeal all laws in conflict therewith.

Senator Johnston of Shelby introduced a bill entitled "An act to remit the State taxes due the State of Texas from the county of Shelby to said county." Referred to Committee on Finance.

Also, a bill entitled "An act to amend article 748, chapter 11, of the Penal Code." Referred to Judiciary Committee No. 2.

Senator Matlock introduced a bill entitled "An act to amend 'an act to create a commission of arbitration, and award and to define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,' approved July 9, 1879, and amended February 9, 1881, and to provide for the continuation of the Court of Commissioners of Appeals for a term of two years from October 1, 1883." Referred to Judiciary Committee No. 1.

Senator Fowler introduced a bill entitled "An act to amend article 722, of the Penal Code, so as to make the

punishment for robbery imprisonment in the penitentiary for life or a term of years not less than five, or death, in the discretion of the jury." Referred to Judiciary Committee No. 2.

Senator Gooch introduced a bill entitled "An act to amend chapter 10, title 47, by adding another article, to be styled article 5272, authorizing the exchange of real property by guardian under direction of the court." Referred to Judiciary Committee No. 1.

Senator Fowler offered the following resolution:

Resolved, That the Committee on Printing be required to have printed, for the use of the Senate, two thousand copies of the message of Governor Roberts in the Bohemian language, and two thousand copies of the inaugural address of Governor Ireland in the Bohemian and two thousand in the German language, to be paid for out the contingent fund; and provided the printing can be done within this State upon reasonable terms.

Senator Collins offered the following amendment to the resolution: Amend by adding after the word "Bohemian," where it first occurs, and after the word "German" the word "Spanish." Adopted.

Senator Chesley offered the following amendment to pending amendment: Amend by inserting after the word "Spanish" the words, "also 5,000 copies in the English." Adopted, and resolution, as amended, adopted.

Senator Patton introduced the following bills:

"An act to amend article 575, chapter 3, title 20, of the Revised Statutes, by adding thereto section 9." Referred to Judiciary Committee No. 1.

"An act to amend article 733 of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Terrell introduced a bill entitled "An act to provide for the permanent endowment, in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of the colored youths." Referred to Committee on Education.

Senator Pope introduced a bill entitled "An act to determine the mode of establishing county seats." Referred to Judiciary Committee No. 1.

Senator Harris introduced a bill entitled "An act to establish the Sterling Robertson Normal Institute." Referred to Committee on Education.

Also, "An act to amend section 3 of 'an act to establish a State normal school,' approved April 1, 1879." Referred to Committee on Education.

Senator Jones introduced a bill entitled "An act to amend article 4431, chapter 5, of the Revised Civil Statutes." Referred to Judiciary Committee No. 2.

Senator Johnston introduced a bill entitled "An act to protect hog raising in the State of Texas." Referred to Committee on Agricultural Affairs.

The following communication from Hon. Richard Coke was read by the Secretary.

UNITED STATES SENATE,
WASHINGTON, D. C., Jan. 24, 1883.

Hon. C. R. Gibson, Speaker of the House, and Hon. Marion Martin, Lieutenant-Governor and ex-officio President of the Senate, Austin, Texas:

GENTLEMEN: Having received information of my election on yesterday, to the Senate of the United States, for the term of six years, commencing on the fourth of March next, I beg, through you, to return sincere thanks for the high honor, and to assure the two houses of the Legislature of Texas of my grateful appreciation of this renewed expression of approval and confidence. Deeply sensible of the great responsibilities of the position, I have no higher ambition than, through an effective and acceptable service of the State in the national councils, to prove myself worthy of the great trust. If I shall fail to reach the highest measure of success in this regard, it shall not be for the want of earnest, and persistent, and faithful effort.

The people of Texas have ever been generous to their public servants, as no one of them knows better, or feels more deeply than

myself. I have much to be grateful for to them, and while I may not hope to be able to fully meet the heavy debt of gratitude for honors conferred greatly beyond my merit, I feel that I can safely assure them of steadfast fidelity to their interests, their honor and their liberties.

It would have been most pleasant to me to have made these acknowledgements in proper person, but my duties here would not permit. Tendering my kindest regards and best wishes to the individual members of the two houses, and to the Legislature and Executive of Texas a hearty God-speed in their labors for the advancement and good government of our great State,

I am most truly yours,

RICHARD COKE.

On motion of Senator Gooch, the communication of Hon. Richard Coke was ordered to be spread on the Senate journal.

The Senate went into executive session.

IN SENATE.

Senator Houston moved that the Governor be notified that the Senate advises and consents to the appointments made by the Governor as follows:

H. P. Brewster to be Commissioner of Insurance, Statistics and History.

E. G. Bowers, of Dallas county, and W. L. Thomas, of Harrison county, to be notaries public; and that the results be spread upon the journal.

Senator Terrell, chairman of Judiciary Committee No. 1, by unanimous consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 27. 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. —, entitled "An act to amend title 11, chapter 3, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed February 21, 1879,'" have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass.

Its object is to supply an omission in the statute by fixing the commissions allowed district and county attorneys on money collected for the State in certain cases.

TERRELL, Chairman.

Bill read first time.

Also, House concurrent resolution No. 5, in regard to the Alamo, Goliad and Fannin's men, to the Committee on State Affairs.

Senate bill No. 120, "An act to provide for the payment of the expenses of attached witnesses in felony cases," being the unfinished business of Saturday, was then taken up, with amendments of committee, the motion of Senator Patton to postpone pending. Motion withdrawn.

On motion of Senator Patton, the bill was made the special order from day to day until disposed of.

The first committee amendment was lost by the following vote:

YEAS—10.

Buchanan,	Harris,	Peacock,
Collins,	Kleberg,	Randolph,
Fowler,	Martin,	Terrell.
Gooch,		

NAYS—17.

Chesley,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Pope,
Fleming,	King,	Shannon,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

The second committee amendment was lost by the following vote:

YEAS—13.

Buchanan,	Gibbs,	Kleberg,
Collins,	Gooch,	Matlock,
Davis,	King,	Randolph,
Fleming,		Stratton.
Fowler,		

NAYS—16.

Chesley,	Johnston of Shelby,	Pfeuffer,
Evans,	Martin,	Pope,
Getzendaner,	Patton,	Shannon,
Harris,	Peacock,	Terrell,
Houston,	Perry,	Traylor.
Johnson of Collin,		

Senator Martin offered the following amendment: Amend section 1, line 4, by striking out the words "felony case," and insert "criminal case or before a grand jury."

Senator Chesley offered a substitute for the bill and amendment.

The President referred substitute House bill No. 8, "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde and Red River, and to repeal all laws in conflict therewith," to Committee on Judicial Districts.

And House bill No. 13, entitled "An act concerning public lands heretofore surveyed by the railroads or corporations, or any company or person, for the benefit of the public free schools of the State," to Committee on Free Schools.

The following message was received from the Governor and read by the Secretary:

EXECUTIVE OFFICE,
AUSTIN, January 29, 1883.

To the Senate and House of Representatives:

GENTLEMEN:—I respectfully invite your attention to the subjects hereinafter referred to:

THE LANDS SET APART FOR EDUCATIONAL PURPOSES.

In view of the difficulties in finding safe and desirable investments for the proceeds arising from the sale of these lands, I submit to your honorable bodies whether it will not be best to place them on the market at a long credit, say twenty years. The whole subject is fraught with difficulties; but, after mature deliberation, I am of opinion that a sale on long time is desirable. If the two houses shall concur in this opinion, I suggest that minimum prices be fixed, below which they should not be sold, and that books be opened for bids, which shall remain open, subject to the inspection of all, and at the expiration of six (6) months, or such time as may be fixed, the lands be awarded to the highest bidder. The law should also require a payment in advance equal to one (1) year's interest, and should be so framed in other respects as to create forfeitures on the parties' failure to pay into the Treasury all interest and principal promptly when due. I deem it proper, also, to state that the law should so provide that the lands shall be sold in quantities so as to place them within the reach of all. If any person shall want more than any one quantity sold, he can purchase other tracts. Safeguards should also be made against allowing water fronts and privileges being taken up without a corresponding quantity of other lands. Should water fronts and privileges be absorbed, leaving the bulk of other lands unsold, they would realize very little.

It is believed that an interest can be derived from this mode of disposing of the lands equal to any that can be had from any other source, and all questions about a safe investment are thereby settled. I deem it unnecessary to enter into the details of a bill on this subject, still I may say I don't think the minimum price of these lands should be less than two (\$2.00) dollars per acre. With reference to the pine lands, or those not desirable for pastoral or agricultural purposes, I submit whether a sale of the timber alone is not the best disposition that can be made of them.

If these lands are offered in quantities that will place them in reach of all, and the fact of their being placed on the market published in such manner that all the world may know of it and be able to compete for it, will largely enhance the value and induce immigration.

THE INSANE.

It is not unsafe to say that there are as many insane persons confined in the jails, homes, and log huts over the State as there are in the asylum. Instances are not wanting of pens being built by families to poor to employ assistants, or unable to care for insane relations in any other way, and these helpless creatures being fed through the cracks of these pens like wild animals, and there literally perishing for the want of proper care and treatment. All this for the want of adequate apartments for the care of this unfortunate class. I recommend the enlargement of the grounds and buildings at the capital, and the erection of another asylum in some distant part of the State. The trouble, difficulties and expense of conveying insane persons long distances undoubtedly often deters persons having charge of them from attempting to get them to the capital.

THE DEAF AND DUMB ASYLUM.

I respectfully call the attention of the Legislature to the old wooden buildings originally erected for the accommodation of the deaf and dumb, and the constant exposure of the pupils of that institution to the danger of fire. The grounds are ample, and if not, they should be enlarged to accommodate that class of the wards of the State without the erection of buildings of more than one story in height; and in view of the horrible disaster that would ensue in case of fire, these buildings should not be more than one story.

FREE SCHOOLS.

Where experience has shown defects in our school system it should be improved. It will be found that the system of school communities and local control at last the most satisfactory. The responsibility of levying, collecting and disbursing should be left as much as possible with the people. The whole question is then immediately before them, and if the property of the country has the power to tax itself and manage the funds thus raised, it is apt to be honestly done and to their own liking. This suggestion of course goes beyond the general fund that may be provided by the State.

It is understood that your honorable bodies have already under consideration proposed amendments to the Constitution relative to this subject.

From the best data before us, it is believed that the State can pay for four and three-fifths, possibly five, months schooling for each child in the State within the scholastic age. I can see no reason why other localities than those now embraced by the law should not be allowed to levy and collect an additional tax for the purpose of aiding the State in its efforts at giving the people an education. If the right to levy this tax by localities is confined to property holders there can be but little danger of its abuse.

The Constitution cannot be amended so as to allow a separate school tax to be collected so as to be available under three years.

I do not doubt but that every dollar of the available fund, including the one-fourth ($\frac{1}{4}$) of the general revenue, will be utilized by your honorable bodies for the education of the youth, and that the necessary constitutional amendments will be submitted to the people.

I am clearly of opinion that the State, with a little aid from communities, should be able to increase the scholastic months from three to five (5), six (6), or more.

THE PENITENTIARIES.

The lease of these institutions, recently entered into, will be before you for your approval or rejection. In one respect the lease in its ultimate results meets what seems to be the requirements of the country, the final abolition of the outside labor system. In the present organization the two assistant superintendents and inspectors are appointed by the Executive, and this being the case, the principal superintendent probably feels that the fidelity with which the subordinates may discharge their duty is not a matter that directly concerns him. It is impossible for the Executive to personally visit and inspect the penitentiaries and look after these subordinates, and I respectfully recommend that all these subordinates be made subject to appointment and removal of the superintendent. He will then feel the responsibility and be able to look after them, and he can be held to accountability by the Executive.

I also submit whether the superintendent should be a member of the Penitentiary Board. It is certainly placing him in a very delicate position to require him to sit in judgment and pass upon his own work. I therefore suggest that the law be so changed as to change the constitution of the board in this respect.

OUR COMMON HIGHWAYS.

Since railways are reaching all parts of our State there appears to be more neglect of our common highways, and the law should be so amended as to create heavier and more certain penalties on those who are charged with repairs, for neglect of duty. In this connection I deem it proper to call the attention of the Legislature to the fact that some remedy ought to be afforded those persons living near streams and other waters, but who are excluded for many miles from these waters by those occupying the property immediately on the streams. It would seem to amount to a public necessity and that every few miles there should be access to these streams.

I refer to my remarks on taking the oath of office, for my views on this subject, with the further remark, that all persons, whether owning property or not, within the boundaries, should be required to contribute.

THE BLIND ASYLUM.

This institution, with a few additional improvements, seems to meet the public demand.

Like the management of the penitentiaries, I am unable to see why the oculist for that institution should not be subject to the superintendent.

The superintendent is thrown in contact with an officer that he

has no voice in appointing or removing. He does not feel it his duty to look after his subordinate, nor does he, indeed, feel at liberty to speak of him freely, even when asked. The Executive cannot hold the superintendent responsible, because he does not appoint him, and yet the Executive must rely upon the superintendent, to a great extent, because it is only through him that the Governor can be informed. I respectfully suggest, therefore, that the law be changed and made to conform to this view of the subject.

EXECUTION OF THE CRIMINAL LAWS.

It is not unfrequently the case that peace officers either absent themselves or willingly close their eyes to violations of the law, and there should be a heavy penalty attached to a dereliction of duty in this respect, to be enforced by indictment against any peace officer, whether State, county, or municipal, who fails or refuses to arrest, or otherwise bring to trial, any person violating any law or city ordinance, when the violation occurs, if known to such officer, or is brought to his attention. A peace officer should not be allowed to wait, when he knows the fact otherwise, for the private citizen to go forward and commence proceedings.

THE RAILWAYS.

It is understood that this subject is now under consideration by the two houses.

Experience has demonstrated that some one especially charged with the duty of seeing that these institutions perform their duty to the people is the only sure mode of protecting them. Persons with small capital cannot, and will not, contend for their rights, when withheld by these corporations, and I therefore recommend that a commission of three (3) or more persons be appointed, in such manner as the Legislature may select, to take charge of that subject.

THE AGRICULTURAL AND MECHANICAL COLLEGE.

There has been, from the very beginning, a popular prejudice against this institution, but the foundation for a splendid institution of learning is there too deeply laid to allow us to falter, and I hope this institution, as well as the normal schools, will receive at your hands all the attention that is required to make them progressive.

The college will require an appropriation.

I also submit that some change should be made in the institution with reference to the students that are admitted.

If the children and wards of persons amply able to give them a good education only are to be admitted or entered at the school, it is respectfully submitted, whether it should not be made self-sustaining, or largely so.

THE STATE FORCE.

Our rapidly spreading settlements and vast extent of territory appear to demand a small military organization, and I recommend the retention of the force now in active service. Society is often saved a shock by the presence of this force, and in a pecuniary way it is not money thrown away.

ARTICLE 3299, REVISED STATUTES.

I recommend the repeal of article 3299 of the Revised Statutes. It appears to be entirely useless, and there appears to be an incompatibility between a military organization and private corporations. Again, this article, and the others dependent on it, appear to allow or permit such an organization without the sanction or authority of the Executive who, by the Constitution, is made supreme over the militia.

REDEMPTION OF LANDS BOUGHT BY STATE FOR TAXES.

It has been a custom in the past to extend the time from year to year for the redemption of property purchased by the State when sold for taxes.

This practice is believed to be in violation of section 10, article 8 of the Constitution. Where this is done taxation cannot be uniform and equal. The State has no right to credit one person for his taxes and require the balance to pay promptly. (Section 1, article 8.)

VACCINATION.

I respectfully submit whether vaccination should not be made compulsory. The judgment of mankind is that it is, when properly done, a preventive to small-pox. I am, as a general rule, very thoroughly opposed to paternal governments, but on this subject I am as firmly fixed.

JUDICIARY.

On this subject I have to repeat what I have said before.

If our system was so changed as to place two good lawyers on the bench of the trial courts, dispense with jury service (which has become extremely onerous to our people) in a large class of cases; make the judgment of these two judges final in a vast amount of cases; allowing appeals when these judges will certify a difference of opinion, we would more than save the additional salary of a judge in dispensing with juries as suggested, and litigation would then be ended in a reasonable time. The few appeals would be readily disposed of by three (3) judges of the court of last resort, because the

very questions to be passed upon would be pointed out by the certificate of division.

So far as making the judgment of the trial court final, I think it will be readily conceded that two good lawyers holding the trial court would be much more competent, with the witnesses and facts all before them, to determine a case correctly, than three (3) or more judges holding the appellate court could do on a transcript sent up. By this system many of the inferior courts could be dispensed with.

With the rapid increase of population and business we will have to continue the increase of appellate judges unless we begin the reform in the trial courts. The evils of the constant increase of appellate courts are felt in more than one direction. The most serious consequence attending it is the constant unsettling of our system of laws. In the simple questions of practice it is now frequently the case that we find three (3) appellate courts differing, and it becomes of much more concern when those differences extend to property rights.

German to this subject are the decisions and rulings of the present Court of Appeals. Their opinions and rulings are not allowed to be published. I think this is an evil.

It is safe to say that there are as many civil causes appealed to that court as there are to the Supreme Court, and yet the trial courts are not informed of rules and practice of the Court of Appeals in civil causes. I therefore recommend that some suitable encouragement be provided for the publication of the opinions and rulings of that court in civil causes.

The suggestion to save the country annoyance and expense of jury trials of course refers to petty offenses and minor civil causes.

FRONTIER DEFENSE.

The success of the effort now being made to obtain the money expended in frontier defense, depends largely upon the manner in which the claims are presented and audited.

Our members in Congress have not the time, and it cannot be expected of them, that they will give to that subject the attention it requires, and I therefore recommend that provision be made to have that matter properly attended to at Washington.

GREER COUNTY.

Your honorable bodies are in possession of all the facts in the Greer county controversy.

I believe that Texas should no longer hesitate, and thereby invite an adverse claim to that territory. I believe it to be the duty of the State to take possession, and treat it as territory to which the State has an undoubted title.

NORMAL SCHOOLS.

The two normal schools now in operation should be fostered and cared for.

I desire to call the attention of the Legislature to the manner of auditing accounts against the fund set apart for the support of these schools.

These accounts are now passed upon by the President and approved by him, and they are then approved by the principal of said schools; they then come to the Governor, and from him go to the Secretary of the Board of Education. By the fourth (4th) section of the act approved April 19, 1879 (session acts, 1879, page 182), and the seventh (7th) section act 1879 (page 183, same session), it will be seen that these accounts ought to be paid on the order of the Board or approved by the Governor.

These accounts range from fifty cents (50c) upwards. They come daily, and consume a great deal of time of the Executive without the least possible good to the people. The Governor relies upon approvals that come to him, and he certifies to things he cannot know. I respectfully suggest the law be so changed as to substitute the Secretary of the Board for the Governor, with such rules as the Board of Education may think proper to make.

PUBLIC BUILDINGS.

The building now occupied by your honorable bodies requires completion.

It requires a fence and other work outside, and the inside demands work that cannot be done without an appropriation, and as it is to constitute the Capitol for the next five (5) or six (6) years, I suggest such an appropriation as will fit the building for that purpose.

TELEGRAPH COMPANIES.

These companies under our laws are allowed extraordinary rights and privileges, and they should be required to serve the public. As now conducted they amount, to a large portion of the people, to a nuisance.

If they are so crowded with business that they cannot accommodate those who patronize them, they should be required to provide additional facilities, or tell customers that they cannot send or deliver message. Ordinarily, as now managed, in sending a message, say fifty

(50) miles, if it is placed on file in the morning, it is likely to be delivered in the afternoon, or may be next day.

I recommend the enactment of a law making it the duty of the district and county attorneys to institute proceedings in the name of the State against any telegraph company, upon responsible information of wilful failure to perform any duty with reference to transmitting or delivering any message deposited with it for transmission, and upon satisfactory evidence to the court and jury, to forfeit every right conferred upon such companies by the laws of this State.

Very respectfully,

JOHN IRELAND.

On motion of Senator Traylor, the Governor's message was ordered printed in the journal.

Senator Buchanan, for Judiciary Committee No. 1, by unanimous consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill 111, entitled "An act to reduce into one and amend an act entitled 'an act to incorporate Herman's University,' approved January 27, 1874, and an act entitled 'an act to incorporate Herman's Seminary,' approved February 11, 1860," have considered the same, and I am instructed to report the same back to the Senate, with the recommendation that it do not pass, for the reason that it seeks to revive and consolidate into one two lapsed charters of private corporations, and such an act is prohibited by section 1, of article 12, of the State Constitution. But that the object sought to be attained by said bill is fully authorized by the provisions of Senate bill No. 177, entitled "An act to amend article 575, chapter 3, title 20, of the Revised Statutes, by adding thereto section 9," which bill your said committee have also considered, and have instructed me report the same herewith with the recommendation that it do pass.

BUCHANAN, Acting Chairman.

On motion of Senator Pope, the Senate adjourned till tomorrow morning at 10 o'clock, the substitute of Senator Chesley for Senate bill No. 120, with amendment of Senator Martin, pending.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS; January 30, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by Dr. Smoot, Chaplain.

On motion of Senator Shannon, the reading of the journal of yesterday was dispensed with and the same adopted.

Senator Collins, chairman of Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 172, being "An act to amend article 4572 of the Revised Civil Statutes, and to provide for the manner of proving estrays," have duly considered the same, and instruct me to report the bill back and recommend that it do pass.

COLLINS, Chairman.

Bill read first time.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 8, entitled "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde and Red River, and to repeal all laws in conflict therewith," have considered the same, and instruct me to report it back to the Senate and recommend that it do pass.

HARRIS, Chairman.